

## Comparability of Services

### Statutory Requirement

The comparability of services requirement is a statutory fiscal requirement mandated in Public Law (PL.) 107-110, section 1120A. This comparability fiscal test is a comparison of services provided with state and local funds in each Title I school to those in non-Title I schools.

The comparability of services requirement applies to the **use of State and Local funds**, not federal funds.

### Purpose of Comparability

The purpose of the comparability of services requirement is to ensure that Title I schools receive the same level of services from state and local funds as schools that are not receiving Title I funds (Non-title I buildings). If all of the LEA's buildings are Title I, then an LEA must use state and local funds to provide services at Title I buildings with higher percentages of low-income students that are substantially comparable to the services provided at the Title I buildings with lower percentages of low-income students.

### Multiple Attendance Areas – Comparability Applicable

LEAs having multiple attendance areas serving same or similar grade spans must demonstrate compliance with comparability requirements annually. LEAs identified as a single attendance area are waived from the comparability of services requirement.

### Test Options to Determine Compliance with Comparability of Services

LEAs may choose among three test options to determine an LEA's compliance with the comparability of services requirement. An LEA may apply all three tests to determine which of the three tests is most favorable to the LEA. However, the LEA must choose only one test and use it consistently districtwide to determine compliance with the comparability of services requirement.

The three tests for demonstrating comparability are:

1. Comparing Student/Teacher FTE Ratios - Comparability is achieved when the student/teacher FTE ratios in the Title I schools do not exceed 110% of the average for non-Title I or comparison group schools;
2. Comparing Student/Teacher Salary Ratios - Comparability is achieved when the average per-pupil salary expenditure in Title I schools is at least 90% of the average in non-Title I or comparison group schools; or
3. Comparing State and Local Per Pupil Expenditure Ratios - Comparability is achieved when the average per-pupil state and local expenditure in Title I schools is at least 90% of the average in non-Title I or comparison group schools.

### Written Assurance Option

Instead of using the above test options, an LEA shall be considered to have met the requirements of comparability if the LEA has filed with DESE a written assurance that it has established and implemented:

1. a local educational agency-wide salary schedule;
2. a policy to ensure equivalence among schools in teachers, administrators, and other staff; and
3. a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

### Grouping Schools for Comparison

For LEAs having Title I and non-Title I attendance areas, comparisons will be made between each Title I attendance area and the average for the non-Title I attendance areas.

If all attendance areas in the LEA are Title I, the LEA may establish a comparison group using the attendance centers with the lowest percentage of children from low-income families. Each Title I school would then be compared with the average for the non-Title I or comparison group schools.

The LEA applies these tests according to the building grouping that matches the LEAs configuration. Therefore, LEAs have the option of determining comparability for the LEA on a grade-span by grade-span basis or a school-by-school basis. If there is significant difference in the enrollments within a grade span, LEAs have the option of “splitting” the grade span into large and small school groupings. Large schools are generally considered to have twice the enrollment of the small schools.

### Exclusions

For the purpose of determining compliance with the comparability of services requirement, an LEA **must** exclude:

- staff salary differentials for years of employment; and
- buildings with 100 or fewer students.

For the purpose of determining compliance with the comparability of services requirement, an LEA **may** exclude --

- state and local funds expended for excess costs of providing services to children with disabilities as determined by the LEA and bilingual education for children with limited English proficiency (LEP).
- unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year.
- Supplemental state or local funds for programs that meet the intent and purposes of Title I.

### Compliance Reviewed

The Federal Financial Management staff will use specific student/teacher FTE data from the October cycle of the Core Data Report to verify compliance using option 1. If the Federal Financial Management staff can not verify compliance by using option 1, the school district may use options 2 or 3 to document compliance.

DESE will, as required by federal regulations, withhold funds or require refunds from school districts that fail to comply with comparability requirements.

The following forms are designed to assist LEAs in the computations necessary for demonstrating comparability. The Detailed School Data worksheets (Comparability Report, Step 2a, 2b and 2c) provide instructions for all three options in demonstrating comparability.